

REMARKS

Claims 17-23 are pending in the present application.

Priority Under 35 U.S.C. 119

Applicant notes the Examiner's acknowledgment of the Claim for Priority under 35 U.S.C. 119, and receipt of the certified copy of the priority document in parent application Serial No. 10/017,414.

Drawings

Applicant notes the Examiner's acceptance of the drawings as filed along with the present application on July 16, 2003.

Double Patenting Rejection

Claims 17 and 19-21 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 and 5 of U.S. Patent No. 6,605,932. This rejection is respectfully traversed for the following reasons.

The Examiner is respectfully directed to Manual of Patent Examining Procedure section 804 II.B.1. As emphasized in the above noted section, any analysis employed in an obvious-type double patenting rejection parallels the guidelines for analysis of a 35 U.S.C. 103 obviousness determination. As further emphasized, any obvious-type double patenting rejection should make clear:

"(A) The differences between the inventions defined by the conflicting claims --- a claim in the patent compared to a claim in the application; and

(B) The reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent."

Applicant respectfully submits that the Examiner has failed to develop analysis for the obvious-type double patenting rejection that parallels the guidelines for analysis of a 35 U.S.C. 103 obviousness determination. Particularly, the Examiner has not established on the record the differences between the inventions defined by the conflicting claims, and has failed to establish on the record the reasons why a person of ordinary skill would conclude that the invention defined in the claim at issue is an obvious variation of the invention defined in a claim in the patent.

For example, the Examiner has failed to take note of and consider the differences between claim 17 of the present application and claim 1 of the parent application (U.S. Patent No. 6,605,932). Particularly, claim 1 of the parent application does not feature a semiconductor device including a plurality of first terminals for respective capacitor connections, a second terminal for supplying a power supply voltage, and a third terminal for supply of a ground voltage, in combination with a voltage booster circuit, as featured in claim 17 of the present application. The Examiner has failed to establish on the record why a person of ordinary skill would conclude that the semiconductor device of claim 1 of the present application would be

an obvious variation of the invention defined in a particular claim of U.S. Patent No. 6,605,932.

Although Applicant does not necessarily concede that the above noted rejection is proper, a Terminal Disclaimer and corresponding fee under 37 C.F.R. 1.20(d) have been filed concurrently herewith, merely to advance prosecution of this application. Applicant respectfully submits that the obviousness-type double patenting rejection of claims 17 and 19-21 is therefore improper at least in view of the Terminal Disclaimer, and thus respectfully urges the Examiner to withdraw this rejection.

Claim 18 has been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,605,932, in view of U.S. Patent No. 6,459,330 (Yasue reference). Applicant respectfully submits that this rejection should also be withdrawn at least in view of the above noted Terminal Disclaimer.

Allowable Subject Matter

Applicant notes the Examiner's acknowledgment that claims 22 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Applicant however respectfully submits that amendment of claims 22 and 23 to be in independent form should be unnecessary, because the outstanding rejection of independent claim 17 should be withdrawn in view of the above noted Terminal Disclaimer.

Conclusion

The Examiner is respectfully requested to reconsider and withdraw the corresponding rejections, and to pass the claims of the present application to issue, for at least the above reasons.

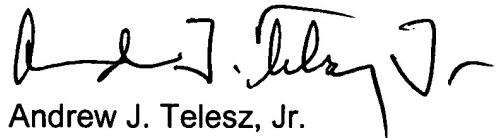
In the event that there are any outstanding matters remaining in the present application, please contact Andrew J. Telesz, Jr. (Reg. No. 33,581) at (703) 715-0870 in the Washington, D.C. area, to discuss these matters.

Pursuant to the provisions of 37 C.F.R. 1.17 and 1.136(a), the Applicant hereby petitions for an extension of one (1) month to May 23, 2004, for the period in which to file a response to the outstanding Office Action. The required fee of \$110.00 should be charged to Deposit Account No. 50-0238.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment for any additional fees that may be required, or credit any overpayment, to Deposit Account No. 50-0238.

Respectfully submitted,

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Enclosures: Terminal Disclaimer